

FARMINGTON CITY PLANNING COMMISSION

March 29, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Paul Barker, Rick Wyss, City Planner David Petersen, Alternate Planning Commission Members Randy Hillier and David Safeer, and Recording Secretary Jill Hedberg. Kevin Poff and Cory Ritz were excused.

Chairman Talbot called the meeting to order at 6:30 P.M. The following items were reviewed:

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes from the Planning Commission meeting that was held February 15, 2007.

Agenda Item #2: City Council Report

David Petersen reported the proceedings of the City Council meeting which was held on March 20, 2007. He covered the following items:

- Retired Congressman James V. Hansen withdrew his request for a variance on the maximum height requirement for cemetery markers.
- The City Council granted Final Plat Approval for Phase 2B & 2C for Farmington Greens Subdivision.
- The City Council appointed a Downtown Master Plan Revision Committee. The Council is requesting that a member of the Planning Commission serve on the committee.
- The City Council considered Dan Nixon's proposal to submit to higher architectural design standards for Class "A" storage at Park Lane.

Agenda Item #3: Public Hearing: Jerry Preston - Applicant is requesting preliminary plat approval and a recommendation for final plat approval for Phase 4 of the Rice Farms Estates PUD consisting of 14 lots on 5.662 acres located at approximately 25 West 800 South in an LR (PUD) zone (S-25-06)

David Petersen explained that the City has negotiated a purchase price with **Jerry Preston** for the property that is located on the corner of the Frontage Road and Glover Lane. The City plans to construct a regional detention basin at this location. City staff recommends that the Planning Commission grant preliminary plat approval and recommend final plat approval for Phase 4 of the Rice Farms Estates PUD.

Agenda Item #5: Public Hearing: Utah Landquest LLC, Todd Bradford - Applicant is requesting conditional use approval for the Steed Place Planned Unit Development (PUD) consisting of 14 dwelling units on 2.3 acres located at the southwest corner of 200 South and 200 East in an R-4 (PUD) zone (S-35-05)

David Petersen said City staff recommends that the Planning Commission grant conditional use approval.

Agenda Item #6: Public Hearing: Dennis Knoles: Applicant is requesting a site plan approval to expand a non-conforming commercial use (a dentist office) and conditional use approval to construct an accessory building greater than 15 feet in height. The project is located at 193 South 200 West in an LR zone (C-3-07)

David Petersen reviewed the “Background Information” that was included in the Planning Commission packet. City staff recommends that the Planning Commission grant site plan approval for the expansion of a non-conforming use and Conditional Use approval for an exception to the height of accessory buildings.

Agenda Item #4: Public Hearing: The Gardner Company - Applicant is requesting a recommendation for schematic plan approval to amend a previously approved plan for a mixed use development known as the Village at Old Farm. The proposed project will now consist of more dwelling units and less area devoted to office and retail uses. The site (approximately 34 acres) is located west of Main Street, east of U.S. 89, south of the Cherry Hill Interchange, and north of the Old Shepard Creek Estates and Old Shepard Commons subdivisions in an NMU zone (C-2-07 and S-8-07)

David Petersen discussed the differences between the applicant’s previous schematic plan and the schematic plan that is now being proposed. The applicant has met the requirements for schematic plan approval for the residential area, although they have not received comments from all of the reviewing agencies. The applicant is only pursuing the residential area at this time and hopes to begin the construction process by May. He asked the Planning Commission to consider whether they want to allow detached lower density, owner occupied homes in a planned unit development setting in lieu of attached higher density housing owner occupied dwellings. Is this worth compromising the minimum 10,000 square foot lot size standard.

Mr. Petersen reviewed the “Suggested Motions” that were included in the Planning Commission packet. He recommended that the Planning Commission grant schematic plan approval so long as there is not strong public opposition that needs to be considered.

The members of the Planning Commission reviewed the minutes of the January 25, 2006, Special City Council Meeting, where the applicant was granted preliminary development plan approval for a Planned Center Development, including the conditions that were given by the

Council. **David Petersen** stated that the applicant has not yet met all of the conditions.

The Planning Commission also discussed whether it would be appropriate to require the applicant to update his traffic study. **Chairman Talbot** said he does not think it is appropriate to require the applicant to update the traffic study since the development will generate less traffic than was previously proposed.

The meeting adjourned at 7:00 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Paul Barker, Rick Wyss, City Planner David Petersen, Alternate Planning Commission Member David Safeer, and Recording Secretary Jill Hedberg. Cory Ritz was excused. Alternate Planning Commission member Randy Hillier was also in attendance, but sitting in the audience.

Chairman Talbot called the meeting to order at 7:00 P.M. **John Bilton** offered the invocation.

APPROVAL OF MINUTES

John Bilton moved that the Planning Commission approve the minutes of the March 15, 2007, Planning Commission Meeting with changes as noted. **David Safeer** seconded the motion. The Commission voted unanimously in favor.

CITY COUNCIL REPORT

The City Council report was given by **David Petersen** during the Planning Commission Study Session.

PUBLIC HEARING: JERRY PRESTON - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL AND RECOMMENDATION FOR FINAL PLAT APPROVAL FOR PHASE 4 OF THE RICE FARMS ESTATES PUD CONSISTING OF 14 LOTS ON 5.662 ACRES LOCATED AT APPROXIMATELY 25 WEST 800 SOUTH IN AN LR (PUD) ZONE (S-25-06) (Agenda Item #3)

Background Information

The City Council voted on August 3, 2005, to rezone 32.3 acres of property located at 50 West 700 South to "LR (PUD)" subject to several conditions.

The soils report has been submitted by the developer. There are specific

recommendations for testing for peat on individual lots and for dealing with the peat if it is identified. All the recommendations of the soils report need to be followed to prevent problems with foundation settling.

An on-site “temporary” detention basin is now being constructed to detain storm flows from the initial phases of the PUD. A permanent regional detention basin is planned for the area between the Frontage Road and I-15 west of the PUD which is designed to handle the storm water run-off for the entire project. It may not be cost effective for the City to develop this basin at this time. Therefore, it may be necessary for the developer to modify his plans and provide another long-term storm water solution acceptable to the City.

END OF PACKET MATERIAL.

David Petersen displayed an overhead of the Master Plan for Rice Farms Estates and explained where the property is located. He also pointed out where the wetlands are located. The developer is working with the Army Corp of Engineers to resolve the wetlands issues. Until those issues are resolved, the developer will proceed with Phase 4 that does not contain wetlands. **Mr. Petersen** also displayed the approved Final Master Plan for the entire project. Most of the reviewing agencies are prepared to sign off. City staff recommends that the Planning Commission recommend Preliminary Plat and Final Plat approval for Phase 4. He explained that the developer and the City have reached an agreement regarding the detention basin. The attorneys for both parties are in the process of drafting the Reimbursement Agreement. Condition #4 of the “Suggested Motion” pertains to that agreement.

The Planning Commission reviewed the “Suggested Motion” and agreed that Condition #4 should refer to the “*written* reimbursement agreement”.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Jerry Preston (347 East 100 North) stated that he is comfortable with the agreement he reached with the City regarding the detention basin. He is now ready to move forward with the development.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

John Bilton asked if the soils test indicated whether there is peat on the property.

Jerry Preston stated that the soils report indicated that peat exists in Phase 1. An additional soils test will be conducted prior to the footings being poured.

Motion

John Bilton moved that the Planning Commission approve the preliminary plat for Phase 4 of the Rice Farms Estates PUD, subject to all applicable development standards and the following:

1. Improvement drawings, including a grading and drainage plan and a SWPPP, prepared by the applicant, must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Benchland Water District and Central Davis Sewer District.
2. The applicant must comply with conditions set forth in the development agreement between the developer and the City established for the project and any amendments related thereto.
3. Presently, the applicant is planning to detain water for Phase 4 in an off-site regional detention basin, consistent with the City's storm water master plan, located west of the project between the Frontage Road and I-15. The preliminary plat approval for Phase 4 will become null and void if the applicant elects not to detain water at this location, because it will become necessary to prepare a updated storm water plan for this phase. Moreover, if this occurs, the applicant must also receive approval from the City to amend the Final (PUD) Master Plan for the entire Rice Farms Estates PUD. The applicant may re-apply for preliminary plat approval for Phase 4 after, or concurrent with, approval of the Final (PUD) Master Plan and approval of a new storm water plan for Phase 4 which must also be reviewed and approved by the City Engineer.
4. If the applicant chooses to detain water in an off-site regional basin as now planned for this phase and the entire project, the applicant must enter into a *written* reimbursement agreement acceptable to the City for construction of the same prior to or concurrent with the recordation of the final plat for Phase 4.

Kevin Poff seconded the motion, which passed by unanimous vote.

Motion

John Bilton moved that the Planning Commission recommend that the City Council

approve the final plat for the Rice Farms Estates PUD, Phase 4 subject to all applicable development standards and the following:

1. All recommendations in the soils report are followed during construction of homes.
2. All concerns of City departments and reviewing agencies and utility companies are addressed.
3. The applicant must comply with all conditions of preliminary plat approval. In the event the preliminary plat approval becomes null and void, final plat approval shall also become null and void. If such is the case, the developer may reapply for final plat approval after re-approval of a preliminary plat and after the City approved an amended Final (PUD) Master Plan for the entire project.
4. A UPDES Permit from the State of Utah is received and a Storm Water Pollution Prevention Plan containing all requirements of the UPDES permit is provided to the City.
5. The applicant must comply with the Final (PUD) Master Plan for the entire project.
6. The developer shall provide a street tree plan including street trees acceptable to the Planning Commission.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The Preliminary Plat approval and recommendation for Final Plat approval are consistent with the Final (PUD) Master Plan for the entire site.
- The Preliminary Plat approval and recommendation for Final Plat approval are consistent with the development agreement for the overall project.
- The approval and recommendation comply with the Farmington City General Plan.

PUBLIC HEARING: THE GARDNER COMPANY - APPLICANT IS REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL TO AMEND A PREVIOUSLY APPROVED PLAN FOR A MIXED USE DEVELOPMENT KNOWN AS THE VILLAGE AT OLD FARM. THE PROPOSED PROJECT WILL NOW CONSIST

OF MORE DWELLING UNITS AND LESS AREA DEVOTED TO OFFICE AND RETAIL USES. THE SITE (APPROXIMATELY 34 ACRES) IS LOCATED WEST OF MAIN STREET, EAST OF U.S. 89, SOUTH OF THE CHERRY HILL INTERCHANGE, AND NORTH OF THE OLD SHEPARD CREEK ESTATES AND OLD SHEPARD COMMONS SUBDIVISIONS IN AN NMU ZONE (C-2-07 AND S-8-07) (Agenda Item #4)

Background Information

The applicant initially received approval from the City Council on January 25, 2006, for a preliminary development plan which showed fewer dwellings but more commercial area. The Council's motion for approval was subject to a number of conditions recommended by the Planning Commission. The applicant is proposing a modified plan where the ratio of residential uses to non-residential uses is substantially different (for example, the lot areas between the two plans vary by more than 10% (see Section 11-27-090 of the Zoning Ordinance). The new plan represents a significant departure from the old plan, especially with regards to storm drainage, and therefore, City staff asked the developer to submit a new application.

The applicant is proposing to subdivide the property. In preparation for Preliminary Master Plan approval and Preliminary Plat approval, a schematic plan shall be required of all Subdividers. This provides the Subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision for property and facilitates resolution of problems and revisions before the preparation of a preliminary plat" (see Section 12-3-010 of the Subdivision Ordinance). The Subdivider, "shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the Department and the Planning Commission may contribute to a decision in the best interest of the public." (Section 11-3-050(1)). Apparently, the applicant distributed plans to several City departments and/or reviewing agencies (i.e. City Engineer, Public Works, Fire, CDS, Benchland Water) as directed by City staff, but has returned very few comments to the Planning Department. Nevertheless, the applicant has already prepared detailed drawings for the residential area of the project and a public hearing is scheduled before the Planning Commission on April 26, 2007, to consider a recommendation for Preliminary Master Plan approval.

It appears that the applicant meets most schematic plan requirements for the residential but not commercial portion of the project. However, thus far, without the advantage of more detailed plans it also appears that the schematic plan for the project conceptually does meet major tenants of Chapter 20 of the Zoning Ordinance, including but not limited to: the North Main Street Restriction and density and dimensional standards for non-residential development.

With regards to residential development, the overall density cannot exceed 9 units per acre. The proposed development is approximately 4.84 units per acre which meets this standard. However, it appears that the land area devoted to each single family dwelling is less than the

10,000 square foot standard set forth in the Ordinance. The Planning Commission must decide if detached lower density owner occupied homes in a planned unit development setting in lieu of attached higher density owner occupied dwellings is worth compromising the 10,000 square foot standard.

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo and pointed out where the property is located. He also displayed an overhead of the plan that was previously proposed by the developer, as well as the current plan. He reviewed the "Background Information" and informed the Planning Commission that the residential subdivision will include amenities such as a club house and a swimming pool. He reviewed the "Possible Motions" which were included in the Planning Commission packet. He stated that the Planning Commission must decide if detached lower density owner occupied homes in a planned unit development setting in lieu of attached higher density owner occupied dwellings is worth compromising the 10,000 square foot minimum lot size standard for single family dwellings in the NMU zone.

Mr. Petersen stated that the proposed storm drainage is not adequate for the residential area. The developer is requesting schematic plan approval for the commercial portion of the project. They did not provide grading, utility or drainage plans for the commercial area. The entire residential area was designed to be presented for plat approval. The developer wants to pursue the residential area first, followed by the commercial area. He questioned whether the Planning Commission is willing to consider the residential and commercial areas as one planned center or whether they would prefer approving the areas separately. He asked the Planning Commission to consider whether the developer should provide a new traffic analysis even though they have reduced the size of the commercial area.

Mr. Petersen reviewed the conditions that were previously required by the City Council on January 25, 2006, for the preliminary development plan. Those conditions will still apply to this application. He displayed an overhead of the elevations for the different housing types, as well as for the commercial area.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Todd Sorenson, Gardner Development (12 South 400 West, Salt Lake City) said the developer modified their original concept plan to include the requests that were made by the City and the community. PUDs are allowed up to 9 developable units per acre but the developer is proposing 4.84 units per acre. The developer has modified the commercial area by reducing the size of the big boxes, making the access from Main Street more readily available, and separating

the commercial area from the residential area by providing a wall and landscaped buffer.

Ben White, Engineer for Gardner Development said Gardner Development plans to develop the residential area first since they have two completely separate uses. The residential area is located at the end of the site so the sewage and drainage issues need to be addressed. The detention basin meets the City's requirement for a 25 year storm event. The basin is adequate to accommodate the developer's needs but the size of the basin is not large enough to be used as a regional storm detention basin. The developer has stubbed the sewer to the residential area. Central Davis Sewer needs additional time to review the changes. The water has been provided for the residential area and they have addressed other utility issues that may arise as a result of the residential area being developed first. The developer has contacted UDOT and asked that they clean the ditch along Highway 89.

Drew Neil (1454 North 900 West) said he is concerned that the developer is planning to connect the residential subdivision to 900 West. Their street is 10 feet narrower than a typical Farmington street. The City never intended for the road to be anything other than a dead end street. The 900 West residents already experience issues with the office space users parking in front of their driveways. It creates a potential safety hazard if drivers cannot view children playing in the area. He asked that the Planning Commission consider closing off 900 West and creating a cul-de-sac which would provide a more desirable place to live.

Matt Poulsen (1732 North Main Street) said he is concerned about the proposed density for the residential area. He suggested that the developer find tenants who compliment the existing grocers in the area. He asked if the traffic controls will be installed at Somerset, Main Street, and Country Road as part of the commercial phase.

Dorene Poulsen (1732 North Main Street) said she is concerned about the traffic issues. She asked if the developer plans to widen Main Street to the west and what type of wall they are planning to use. She is also concerned about the access to the slip ramp. As far as she knows, the developer has not submitted an application to UDOT.

John Patterson (1432 North 900 West) said he likes the developer's proposal to provide a connection between the residential and commercial areas. He is concerned about the drainage in the area since there is already a constant flow of water in the streets during the summer months. He questioned whether the City is requiring the developer to address a 25 year flood event or a 100 year flood event.

Carlie Neil (1454 North 900 West) said the residents and City have already addressed issues relating to 900 West, the storm drain requirement, and access to the Frontage Road. She is frustrated that they are having to readdress those issues. She asked that the Planning Commission require that 900 West remain a dead-end street.

Zachary Gibb (1444 North 900 West) said he recently moved to the area with his four small children because he was told by City staff that they plan to close 900 West. He suggested that the City work with UDOT in an attempt to provide another entrance to the residential and business areas.

Patricia Anderson (671 Somerset Street) requested that the Planning Commission withhold their approval to allow the developer to address some of the issues that were listed by Carly Neil. When the residents in the area indicated that they would prefer that the development include more of a residential component, they did not intend for the density to increase. She said she still has concerns about Main Street, such as how much traffic the development will generate and how much the green space area the developer plans to provide. Unless a flyover is constructed, the traffic on Main Street will continue to “bottle neck.” She is concerned a precedent will be set if the City allows commercial space on Main Street.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

As requested by **Chairman Talbot**, **David Petersen** addressed the following concerns that were given by the residents:

900 West: A year and a half ago the City planned for 900 West to remain a dead-end street when the developer was proposing that the Village at Old Farm commercial area be located adjacent to the northern end of 900 West. Prior to that time, the City left the street as a dead end because they planned for Fox Glove and 900 West to continue to the north. The street was built according to the City’s old standard which is 2 feet wider than today’s standard. The street functions as a local street should. He explained that it is good planning to provide a grid system whereby each developer has two ways out.

Green Space Area: **Mr. Petersen** said Dave Dixon stated that they will provide a larger berm area, but he did not say the berm would be wider.

Main Street: **Mr. Petersen** pointed out where Main Street will be widened. It will be a two-way road with a center turn lane and a light.

Todd Sorensen said the developer will provide a decorative fence to separate the commercial area from the residential area.

David Petersen reviewed the information that was provided in the Planning Commission packet which explains why the developer was asked to provide a new application.

Rulon Gardner (1030 East 400 South, Fruit Heights) addressed the following issues:

Main Street: They will provide a precast wall between the residential and commercial areas. He pointed out where they will provide a gated connection and where the semi-fours will be located.

900 West: They were encouraged by the comments they received from the 900 West residents after announcing that the commercial area will be located in the center of the project. Now that the commercial area is not next to 900 West, it is appropriate to connect the stub to provide a connection between the two areas.

Access: They submitted their application to UDOT and have met with them on several occasions. They realize it is critical that they obtain the access which is why they have not submitted the full commercial package to the City.

Commercial tenants: The tenants will include a credit union, a grocery store and restaurants. They have also met with a boutique furniture store tenant who is interested in 10,000 square feet.

Mr. Gardner said the following changes have been made which will improve the project:

- The commercial area has decreased from 210,000 square feet to 171,000 square feet.
- The size of the grocery store has been reduced from 55,000 square feet to 30,000 square feet and will include a 4,000 square foot credit union.

In response to a question from **Chairman Talbot**, **Rulon Gardner** said they would like to begin construction on the residential area immediately. Only one occupant remains on the premise. They can begin constructing the homes within four to six months. They hope to submit their commercial package to the City by the middle of June.

Rulon Gardner said in a sense, the Planning Commission is considering two projects. They have attempted to present the “big picture” but would like to begin the residential component of the project. They view the project as a single project with a residential and commercial component.

Paul Barker asked if the City requires that the developer meet the 100 year flood event or the 25 year flood event.

Ben White said the standard for Old Farm was a 10 year storm detention. It has since changed to a 25 year storm detention.

David Petersen stated that the City has never required a 100 year storm detention. Farmington City increased their standard after the storm that occurred in 2001.

In response to a question from **Kevin Poff**, **Rulon Gardner** explained that the house at the bottom of the development will access Main Street.

Rulon Gardner responded to a question from **John Bilton** by explaining where the mansion homes will be located. The mansion homes will provide architectural variety to accommodate the grade differential between the land and highway.

John Bilton asked when the developer plans to begin construction on the commercial area.

Rulon Gardner stated that they would like to begin construction on the commercial area as soon as possible. They think they will be able to coordinate the construction with the residential area.

In response to a question from **John Bilton**, **Rulon Gardner** stated that they are applying for one access from Highway 89. Main Street will include two semi-fours and a connection on 900 West.

John Bilton asked what type of berm the developer plans to provide for the residents on the east side of Main Street who will look west to the commercial area.

Rulon Gardner explained that they will provide a wooden rail fence along the pathway and a 3' foot berm along the landscaped area.

Ben White stated that the commercial site is located 20 feet lower than the road so the residents will likely look over the buildings. They may see rooftops but they will be screened.

John Bilton asked the developer what his plans are for the Potter house.

Rulon Gardner said they have submitted their application to the City to demolish the Potter home. They are waiting for the review and comments from the Historic Preservation Commission. They would prefer to demolish the home since it is not structurally sound. They are willing to consider improving the home if the City raises the funds.

In response to a question from **John Bilton**, **Rulon Gardner** stated that they recalculated the fiscal impact analysis four weeks ago. He will provide the analysis findings to the City.

David Petersen asked the developer if it would be difficult to provide a plan indicating where the utilities are located in the northerly portion of the project.

Ben White said it would not be difficult since the concept is similar to that of the residential area.

David Petersen said he would prefer that the two components be combined as one master plan. The master plan could then be an exhibit to the Development Agreement. If the developer is able to adjust the commercial area, the City would like to have stubbed streets from the residential areas.

Kevin Poff asked if the traffic study is adequate for this proposal.

David Petersen stated that the traffic study considered the impact on Main Street. This proposal generates less traffic on Main Street so intuitively, it will work.

Kevin Poff asked if the City is comfortable with the road width on 900 West.

David Petersen said he believes the width of the asphalt is 32 feet. The width of the street exceeds the Fire Department's requirement which is 26 feet.

Chairman Talbot said it is his opinion that the traffic study is sufficient since the previous commercial component was significantly greater.

Kevin Poff said it may be possible to close 900 West. The commercial area could then be accessed from the new residential area.

David Petersen said it may be a viable option. When considering the long-term viability, it is not the best alternative to have a stubbed street into a commercial area, although it is not a tremendous negative.

In response to a question from **John Bilton**, **Rulon Gardner** stated that the residential component has increased by 60 percent. Their proposed densities are lower than allowed by the zone. They feel very comfortable with what they are proposing. They decreased the number of mansion homes and increased the single family homes.

In response to a question from **Paul Barker**, **Rulon Gardner** stated that the Leonard homes are not part of the Village at Old Farm project. They will provide a fence and a buffer with landscaping on the rear side of the homes.

Rulon Gardner commented that it will be a tremendous impact if they are not able to begin the residential construction process in the near future. They have spent a significant amount of money on the property and the engineering for the project. They have tried to present the City with a project that is better than what they presented over a year ago.

Kevin Poff said he would feel more comfortable if the walkway between the residential and commercial areas were in front of the businesses. He said he also made that suggestion at an open house he attended for the project.

David Petersen said the setback from the Main Street right-of-way must meet the residential setback requirement which is approximately 30 feet.

Ben White stated that the setback is between 30 and 35 feet.

John Bilton commented that the developer has not provided information portraying that this project is consistent with the elements of the NMU zone, such as being pedestrian and bicycle friendly. He questioned whether there would be an impact if the developer were to create a subdivision on this particular property.

David Petersen explained that the lots will be platted. He anticipates that the applicant will provide greater detail during the preliminary master plan phase, including the pedestrian connection and the design elevations.

Chairman Talbot said it does not seem necessary for the developer to provide a new traffic study but he recommended that their traffic engineer evaluate the impact the development will have on 900 West.

Motion

Rick Wyss moved that the Planning Commission recommend that the City Council approve the schematic plan subject to all applicable Farmington City development standards and the following:

1. The applicant must provide the following regarding the commercial area of the project including among other things:
 - a. A description of the type of culinary and irrigation water systems(s) proposed; also, documentation of water rights and secondary water shares.
 - b. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage.
2. The applicant must update the traffic impact analysis (and Community and Economic Impact Analysis) for the new plan.
3. In preparation for preliminary development plan approval, the applicant should meet the conditions of the previous preliminary development plan approval where

applicable.

4. The City and the applicant must decide together what is the most appropriate future use or scenario for the historic Potter home.
5. The residential setback must conform to City Ordinances.

David Safeer seconded the motion, which passed by unanimous vote.

Findings

- The project provides for a mix of single-family and multi-family residential uses together with appropriate scale, compatible commercial development, limited in area, height and materials, as appropriate, to serve the nearby neighborhood areas.
- It encourages walking and bicycling for recreation and daily errands for surrounding areas.
- It provides for medium density residential development as a buffer between single-family and commercial development.
- It preserves the residential character of Main Street and protects residential uses within and adjacent to the NMU zone.
- Schematic plan approval is not vesting but will allow the developer to move forward while addressing the remaining issues.
- The current proposal addresses many of the concerns raised by the public and blends well with the existing area.

PUBLIC HEARING: UTAH LANDQUEST LLC, TODD BRADFORD - APPLICANT IS REQUESTING CONDITIONAL USE APPROVAL FOR THE STEED PLACE PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF 14 DWELLING UNITS ON 2.3 ACRES LOCATED AT THE SOUTHWEST CORNER OF 200 SOUTH AND 200 EAST IN AN R-4 (PUD) ZONE (S-35-05) (Agenda Item #5)

Background Information

The Steed Placed PUD subdivisions have been through all applicable approval processes with the Planning Commission and City Council with the exception of the granting of a Conditional Use approval and issuance of a permit. Planned Unit Development subdivisions are a conditional use in the R-4 zone. For recording and building they will need to receive that approval from the Commission formally.

Staff has been through the approvals and history on the subdivision to date in order to determine the conditions intended by the Commission and Council. Rather than listing the items in a report, City staff included a draft of a conditional use permit for the Planning Commission's

review.

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo and pointed out where the property is located. He explained that the applicant was required, as one of the conditions of approval, to obtain a conditional use permit, which will require the development to proceed with the elevations that were approved by the City. He recommended that the Planning Commission grant conditional use approval for the Planned Unit Development subdivision.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Public Hearing Closed

With no forthcoming comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues.

In response to a question from **Paul Barker**, **David Petersen** explained that the old rock structure was demolished after the City received information from Glen Leonard and members of the Steed family indicating that the structure was built approximately 40 years ago.

Motion

Paul Barker moved that the Planning Commission grant Conditional Use approval for the Planned Unit Development (Steed Place) in the R-4 zone with conditions as set forth in the attached draft permit, thereby authorizing staff to issue the permit. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: DENNIS KNOLES - APPLICANT IS REQUESTING SITE PLAN APPROVAL TO EXPAND A NON-CONFORMING COMMERCIAL USE (A DENTIST OFFICE) AND CONDITIONAL USE APPROVAL TO CONSTRUCT AN ACCESSORY BUILDING GREATER THAN 15 FEET IN HEIGHT. THE PROJECT IS LOCATED AT 193 SOUTH 200 WEST IN AN LR ZONE (C-3-07) (Agenda Item #6)

Background Information

Main Building: The expansion of the main building has been approved by the Board of Adjustment. Subsequently, an administrative variance allowing for the 7.5 foot side-yard setback (requirement is 10) was granted. The front, rear and north side-yard setbacks all conform.

Coverage: The application also appears to meet coverage requirements, though exact requirements are difficult to ascertain given the property's status as a non-conforming use. Suffice to say that the use and footprint are not expanding beyond what was represented when the two exceptions were granted, nor are they in violation of any general requirements for development of commercial lots.

Storage Building (Accessory): One main issue in the application is the height of the requested accessory building. Normally limited to 15 feet (as measured to the mid-point of the eaves, per City Ordinance) the design the applicant wishes to pursue will exceed that height by 1.5 feet (overall height will be 19.5 feet). The Ordinance specifically allows the Planning Commission to except an accessory building from this rule (11-11-070b). The increase in height is only allowed as an approval of the Planning Commission following review of a conditional use permit application. The exception to the height requirement is not out of order.

Signage: The view of conditional use and site plan is the right moment for the Commission to place restriction on other related uses, such as signs. Dr. Knoles' current sign is unobtrusive and in keeping with the area. Low-impact signs like this are appropriate not only because of the area, but because of the legal non-conforming use status. Although Dr. Knoles has not made a new sign a part of the application at this point, City staff would like the Commission to consider limiting future signs on the property to reflect the current situation.

END OF PACKET MATERIAL.

David Petersen explained that in the 1980's, the Planning Commission authorized the home to be used as a dentist office which is now a legal, non-conforming use. He displayed an aerial photo and pointed out where the original structure is located. He reviewed the "Background Information" and recommended that the Planning Commission grant site plan approval for the non-conforming use, and conditional use approval for an exception to the height of accessory buildings.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Dr. Dennis Knoles (193 South 200 West) said he is proposing that the main building be expanded to the south of the property since it is adjacent to the City park. He explained that it is not cost prohibitive to alter the existing 10' x 15' power pole easement. He is requesting the variance to the accessory building height which will allow him to install 12' doors without altering the pitch of the roof. The proposed height will not exceed the height of the press box which is located on the adjacent City park.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues.

As requested by **David Safeer**, **Dennis Knoles** pointed out where the accessory building is located, as well as where the City's two-story storage shed is located.

Motion

Kevin Poff moved that the Planning Commission approve the site plan expanding the non-conforming use on Dr. Knoles' property and to grant conditional use approval to increase the height of the accessory building from 15 to 16.5 feet, subject to the following:

1. The applicant must provide a landscaping plan consistent with City standards for review and approval by City staff. All landscaping must be installed or bonded for prior to occupancy or use of the expansion of the site, including the construction and use of the accessory building.
2. Only monuments or other low-impact signs shall be allowed in connection with this site;
3. The variances granted previously shall be strictly adhered to;
4. The height of the accessory building is allowed as proposed in the attached plans. Any further change to height of setback shall require the Planning Commission's approval at a public hearing.

Andrew Hiller seconded the motion, which passed by a 5 to 1 vote.

Findings

- It is wise to follow the recommendation that was given by the Board of Adjustment, who carefully considered the issue.
- It will provide a better transition from the park to the residential area
- The buildings will not cause an impact to adjacent property owners since the property is located next to a park.
- A two-story press box already exists in the area.

PUBLIC HEARING: FARMINGTON CITY - CONSIDERATION OF REVISIONS TO THE ZONING ORDINANCE REGARDING STAY OF PROCEEDINGS AFTER

APPEALS (ZT-3-07) (Agenda Item #7)

David Petersen read from the letter he received from Stephanie Bell, which was included in the Planning Commission packet. CenterCal recommended that the City revise the ordinance amending the code sections regarding stay of proceedings. The City Attorney agreed that the City's ordinance is not consistent with ordinances from other cities he represents.

Mr. Petersen reviewed the proposed changes to Chapter 4. The amendments will also apply to the Board of Adjustment and Planning Commission when considering subdivisions. City staff recommends that the Planning Commission recommend that the City Council approve the amendments.

Public Hearing

Chairman Talbot opened the meeting to a public hearing to receive comments.

Public Hearing Closed

With no forthcoming comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

Rick Wyss pointed out that the Planning Commission did not receive a copy of "Exhibit A" which was referenced in the Planning Commission packet.

Kevin Poff expressed concern that the revisions will give additional control to the developer.

Rick Wyss questioned why the Planning Commission is required to justify the stay instead of the City Council. If an appeal is made, it is up to the Planning Commission or Zoning Administrator to determine whether it is justified.

David Petersen explained that the City Council may not have notice of the appeal for 15 days so they would not be aware of eminent peril or potential harm since the issue would not appear on the agenda for approximately 30 days.

Kevin Poff said he is concerned that if an appeal is made, the construction process could proceed for two weeks before the issue is presented to the Planning Commission.

Kevin Poff also said his primary concern is that CenterCal will be given more authority than they were already given in the Development Agreement.

Rick Wyss explained that the revisions actually give more deference to the decision of

the Planning Commission.

David Safeer stated that if a life is at stake, the Zoning Administrator has the authority to stop the work.

Rick Wyss said the revisions will provide text that conforms with the judicial injunction process. It will solidify the Planning Commission's decisions and will prevent a third party from stopping progress because they want to file an appeal.

Kevin Poff stated that he understands that the arguments but he is still concerned that big developers will benefit from the ordinance.

Chairman Talbot said it is not the City's intent to stop work on an entire project. Developers should be allowed to proceed with other aspects of the development that are not addressed in the stay.

Motion

Rick Wyss moved that the Planning Commission recommend the revisions to the Zoning Ordinance regarding stay of proceedings after appeals. **David Safeer** seconded the motion, which passed by a 5 to 1 vote.

**PUBLIC HEARING: FARMINGTON CITY - CONSIDERATION OF A
RECOMMENDATION TO AMEND OR REPEAL CHAPTER 12 OF THE ZONING
ORDINANCE REGARDING CONSERVATION SUBDIVISIONS AND AMENDMENT
TO CHAPTER 10 AND 11 OF THE ZONING ORDINANCE REGARDING LOT SIZES
AND REFERENCES TO CHAPTER 12 AND/OR CONSERVATION SUBDIVISIONS
(ZT-4-07) (Agenda Item #8)**

Motion

Rick Wyss moved that the Planning Commission continue Agenda Item #8 until the April 12, 2007 Planning Commission meeting. **Paul Barker** seconded the motion, which passed by a 4 to 3 vote.

Motion

Kevin Poff moved that the April 12, 2007, Planning Commission Study Session begin at 5:30 P.M. to allow adequate time to consider Agenda Item #8. **John Bilton** seconded the motion, which passed by unanimous vote.

David Petersen said it would be beneficial for City staff to draft the text for Agenda Item

#8 after hearing comments from the public and the Planning Commission. He recommended that the Planning Commission hold the public hearing for Agenda Item #8 but table consideration of the item.

Motion

Kevin Poff moved that the Planning Commission consider a recommendation to amend or repeal Chapter 12 of the Zoning Ordinance regarding conservation subdivisions and amendments to Chapters 10 and 11 of the Zoning Ordinance regarding lot sizes and references to Chapter 12 and/or conservation subdivisions, as Agenda Item #3 at the April 12, 2007, Planning Commission meeting. **Paul Barker** seconded the motion, which passed by a 5 to 1 vote.

MISCELLANEOUS

Council Member Rick Dutson stated that he is the Co-Chair of the Relay for Life. He reviewed the events that will take place at the fund raiser and asked that the Planning Commission form a team to participate in the all-night event which will take place on June 8, 2007.

ADJOURNMENT

Rick Wyss moved that the Planning Commission adjourn at 9:46 P.M.

Jim Talbot, Chairman
Farmington City Planning Commission